

## KNOX SAYS TREATY DEPENDS ON SENATE

Pact With France to Halt German Invasion Seen as Unconstitutional.

### CONGRESS RIGHTS TOLD

Revised League Covenant Does Not Meet Objections, He Points Out.

Special Despatch to The Sun.

WASHINGTON, May 15.—The peace treaty, the projected alliance with Great Britain and France in the event of German aggression, or any other similar instrument is absolutely at the mercy of the Senate not only for ratification but for amendment as well. This was the view expressed to-day by Senator Knox (Pa.), once Secretary of State, acknowledged as one of the leading American authorities on international law and subjects having to do with foreign relations.

"The contention that the Senate, which under the Constitution must advise and consent to a treaty," the Senator said, "cannot give its advice and consent upon such terms as it chooses to impose is in my opinion wholly untenable and contrary to precedent."

"The Senator would go no further than this to-day on this point. It had been hoped that Senator Knox would have something to say about the situation brought about by the projected Anglo-British-French alliance further than its conflict with the proposed League of Nations. It has been pointed out previously by other responsible officials that in their opinion an amendment to the Constitution would be necessary to give any force to such an alliance, so far as American is concerned. They believe the constitutional provision that Congress must declare war would have to be amended in order to permit American troops to be sent to the assistance of France at the first request of the British Government without action by the Congress then sitting. These Senators and others who hold this view have been hoping that Senator Knox would confirm them in their opinion through a public utterance on the subject."

The Pennsylvania did, however, make very plain his opinion of the revised League of Nations covenant and promised to discuss it in detail at a later date. Said he on this subject:

"It is my intention at a convenient time to discuss the revised covenant length with the view of showing, as I claimed in an address delivered in Pittsburgh on May 7, that the revised draft is more objectionable than the original one; that the changes do not meet the objections so generally made to the original, and that it would be equivalent to rational suicide to enter into such compact; and further, that without authority from the people the treaty making power, nor indeed the Congress, can delegate to the President the power of ratification of foreign Governments powers that the people have delegated to them, or reserved to themselves."

## GERMANY CAN'T GAIN BY FIGHT ON LEAGUE

Lodge Says Terms Will Not Affect Covenant.

Special Despatch to The Sun.

WASHINGTON, May 15.—Senator Lodge made very clear to-day that if the Germans are hoping to obtain amelioration of their peace terms through the American Senate fight against the League of Nations, as some Berlin despatches recently have suggested, they are making a wretched mistake.

"Opposition to the league covenant has nothing whatever to do with the conditions on which Germany will be granted peace," said Mr. Lodge. "Any German assumption that American opposition to the league may open the way to modification of the terms that will be imposed on Germany is utterly without foundation. Senatorial opinion is not to be shaken by the German pretense of conviction that President Wilson has been 'betrayed' and his Fourteen Points pitched overboard by the Congress of Paris; nor by any assumption that the terms written into the treaty are so severe that anybody of American opinion will object to them."

Other Senators have been impressed by the evident desire of the German press bureau and editors to make the German people believe there was reason to hope for American intervention in behalf of easier terms and without exception they agreed that if there was any such German purpose or any hope of creating dissension between America and the Allies it would prove pitifully futile. About the last thing that is in the mind of any public man here, whether Republican or Democrat, supporter or opponent of the league, is the notion of making Germany's peace easier.

While there is criticism, some of it bitter, of some provisions in the peace treaty other than the League of Nations, it reflects no sympathy or sentiment favorable to Germany. The treatment of China in the matter of Shantung is proving one of the chief weaknesses of the documents in its appeal to Senators. They feel that China has been betrayed and that it was done as the price of Japan's support for the President's League of Nations project.

"Why," said one of these critics, "the first partition of Poland took place nearly 150 years ago and it has been a standing menace to the world's peace ever since. Now after this century and a half the world is uniting in the restoration of nationality to Poland. Yet this peace treaty that restores Poland outstrips China in the same fashion, and it will have the same effects some day if it is permitted."

Hardly less dissatisfaction is expressed with the settlement of the Saar Basin, which Senators describe as making precisely a new Alsace-Lorraine problem with the interests reversed.

In its effects on the future of Europe and the world they fear the consequences of this settlement in the Saar Valley even more than those that will flow from the concessions to China in the Shantung peninsula, and both features of the treaty will be the subject of violent attacks. Some Senators indeed are studying these two problems with the purpose of making attacks against the peace terms deemed to be quoted because they wish to hold their fire until they can use

the ammunition most effectively in the forthcoming Senatorial discussion.

Another reason constantly heard for reticence on the specific details of the treaty is the universal belief that the synopsis of the new document that has been given out is not a fair presentation. The full text is awaited with anxious concern and confident belief that it will develop further objections that have not been unveiled.

Made More Objectionable.

Senator Knox's deliberate assertion to-day that the revised draft does not meet the objections to the treaty, but rather makes the pact even more objectionable than it was in its first form, is by no means a unique view. It is very generally reflected in the expressions of Senators and it constitutes one reason why they are fearful that the complete text will make matters look still worse. For they argue, if under the pretense of meeting objections raised by Senators and others the document thus has been made worse, it is a first, there is no telling what may be discovered when its full text is brought under study and discussion.

Washington is now discussing seriously the possibility in case Germany should refuse to sign the treaty. The possibility of such an attitude begins to be believed possible a week ago. Tax Bureau Berlin cable despatches were read with absorbing interest to-day as the most illuminating and authoritative presentation of this situation that has thus far come.

America Will Do Her Part.

Apparently the opinion is that Germany will make no more serious mistake, could do nothing more certain to alienate every kindly sentiment anywhere in the rest of the world than by refusing to sign the treaty. The possibility of such an attitude begins to be believed possible a week ago. Tax Bureau Berlin cable despatches were read with absorbing interest to-day as the most illuminating and authoritative presentation of this situation that has thus far come.

Should the developing situation in Germany become such as to justify it some early and prompt declaration of this Government's attitude may be initiated in order to disabuse the German mind of any hope that American differences about the League of Nations might imply a difference about the desirability of making Germany accept the most rigorous conditions of peace.

Arriving Senators bring from all parts of the country reports that the revision of opinion against the League of Nations is gaining force at an astonishing rate. Senator Lodge, who has been in France, has placed under a microscope and magnified for detailed inspection a few samples of the sort of complications this country might be involved in, even where and for all the future if it were to adhere to the pact.

The people who were carried away by sentimental earnestness for any proposal that assumed to aim at preventing war are now realizing that this plan not only contains potentiality of more war than ever but makes this country a party to all of them. The result is a complete reversal of opinion in many communities.

One Senator from a Mississippi Valley State was overwhelmingly for the league. "But to-day," he added, "I would say it is just about a 50-50 proposition with a powerful swing away from the league idea. In another month it will be 60-40 against the league, and by the time we have done discussing it here, there will be almost no support for it except that which is purely and merely political."

Senator Lodge, who has been busily conferring with Senators as they arrive, and it may be added with Democrats as well as Republicans, said the strength of the revolt was to him as surprising as it was gratifying.

No announcement as to the personnel of the Committee on Committees has gone from the Republican leader. He indicated that he probably would announce the committee on Monday. It will not be able to report for several days. The best opinion to-day was that Senator Smoot would be given the chairmanship of the Appropriations Committee. There was no apparent change on the Finance Committee front.

## NEWBERRY TO TAKE SEAT NEXT MONDAY

No Opposition Planned But Pomerene Will Seek Inquiry Later.

WASHINGTON, May 15.—Senator Martin, the Democratic leader, and Senator Pomerene of Ohio, retiring chairman of the Senate Privileges and Elections Committee, said to-day no effort would be made to prevent Truman H. Newberry, Republican Senator-elect from Michigan, from taking the oath of office when the Senate meets Monday.

Senator Pomerene announced, however, that he would renew his efforts to have an investigation of the election in Michigan last November and into the campaign expenditures of Mr. Newberry and Henry Ford, his opponent.

Senator Martin declared that he would support the peace treaty and the League of Nations covenant in the Senate. He did not expect the treaty to be submitted by President Wilson until late in June.

He told Republican Leader Lodge to-day that he could see no reason why the Republicans, with a majority of two, should not be able to organize the Senate when it meets in extra session. Senator Lodge called to see Senator Martin, who returned to Washington to-day, to discuss organization and procedure when the Senate convenes.

Senator Martin said the conference of Democratic Senators to be held Saturday would select candidates for Senate offices to oppose those named yesterday by the Republican conference and would choose party officers.

Senator Lodge announced he would not name to-day the Republican committee on committees and steering committee. He said their selection must be made carefully and that another Republican conference to consider committees was improbable before next week.

FRENCH HONOR P. S. DU PONT.

Col. E. G. Buckner Also Receives Legion Cross.

WASHINGTON, Del., May 15.—The Cross of the Legion of Honor, awarded by the French Government to Pierre S. du Pont, president of the du Pont Company, and Col. Edmund G. Buckner, vice-president and formerly head of the military affairs department in recognition of their services to the allied interests during the war, was presented to each of these men to-night by Col. Edouard Daxaux of the French High Commission.

The ceremony was performed at the Hotel du Pont at a dinner given by Irene du Pont, the new president of the company, and Mrs. du Pont.

Rules for New Western Air Mail.

Letters intended for air delivery by the new Cleveland-Chicago route, which was initiated yesterday, must be mailed in this city in time to connect with mails leaving the Grand Central terminal at 5:31 P. M. It was announced by Postmaster General Clegg that such stamps are not necessary, but letters must be marked "via airplane" and be fully prepaid at air rates.

## NEW LUXURY TAX REGULATION MADE

Anything Worn Under Women's Outdress Is Taxable as Underwear.

### SALES PRICE IS BASIS

Levy Is to Be Refunded to the Buyer if Merchandise Is Returned.

Special Despatch to The Sun.

WASHINGTON, May 15.—Any mysterious beribboned thing a woman wears under her outer dress is underwear and subject to the so-called luxury tax on high priced lingerie, under regulations for collection of these taxes issued to-day by the Treasury Department.

"Outer dress" is an expansive term under these regulations, it does not mean below the waist, or where fashion says the waist should be. It means any outside piece of clothing commonly

Whether the dainty things are in sight or out of sight it is also the same to the tax collector. He mentions a number of things that might go under the outer dress, such as undergarments, drawers, pants, bloomers, union suits, combination suits, nightgowns, corsets, corset covers, girdles, chemises and vests—but cautiously adds "the list is by no means intended to be exhaustive. It merely gives a general notion of the wide variety of articles taxable." The tax on all these things and on the ones the Treasury bachelors have or may have in mind is 10 per cent of the amount paid for them in excess of \$5 each.

How to Compute Rug Tax.

The regulations cover everything from wearing apparel to lamps, including rugs, carpets, trunks, handbags, fans and valises.

Arriving on rugs is on the amount paid in excess of \$5 a square yard. The revenue act expressly exempts imported and American rugs made of silk, cotton, wool, grasses or straw are subject to the tax.

Lineal yardage whether the stripe be wider or narrower than thirty-six inches must be converted into square yards, which is the taxable unit of measurement. For example, a lineal yard of carpet of the ordinary width of twenty-seven inches contains only three-fourths of a square yard. If such carpet is sold for more than \$2.75 per lineal yard it is taxable because \$3.75 per square yard is equivalent to \$5 per square yard. Fringe is not considered in computing the yardage.

If the price of carpet includes sewing, laying, or any other service, the price attaches to the combined price in excess of \$5 a yard unless the sewing, laying or any other service is separately itemized in the bill, in which case the bill attaches only to the price of the carpet.

The tax on the amount in excess of \$10 paid for picture frames applies to any frame primarily adapted for framing pictures, regardless of the use to which actually put.

Trunks, taxable in excess of \$50, are defined as "all receptacles commonly or customarily used by travelers, designed to be used wherever to cover the effects of a traveler." The term does not include handbags, packing boxes, cases or chests for tools, medicine or silver.

Valises, traveling bags, suit cases and fitted toilet cases are taxable on the amount paid in excess of \$25 for each such article.

All receptacles used for carrying money about the person including purses, pocketbooks, shopping and hand bags, are taxable on the amount paid in excess of \$7.50 for such articles. The term "shopping and hand bags" includes all bags designed to be carried in the hand or on the arm, whether or not fitted with toilet articles.

Tax on Portable Lamps.

The tax on portable lighting fixtures, including lamps of all kinds, is on the amount paid in excess of \$25 for such articles. A portable lamp and shade sold jointly is regarded as a single article. A shade sold separately is taxable.

Umbrellas, parasols and sunshades are taxable on the amount paid in excess of \$4 for each. The tax on fans is on the amount paid in excess of \$1.

On hosiery or smoking coats or jackets, and bathing robes, the tax is on the amount in excess of \$7.50 each. "Lounge robes" includes all other women's and children's garments designed for indoor wear (except nightgowns, such as breakfast coats, boudoir gowns, tea gowns, etc.).

The tax on men's waistcoats, otherwise known as "vests," sold separately from suits is on the amount in excess of \$5 each.

On women's and misses' hats, bonnets and hoods the tax is on the amount in excess of \$15 each. The tax applies to "all hats, bonnets and hoods designed to be worn by women and misses 14 years of age or older."

Men's and boys' hats are taxable on the amount paid for such articles in excess of \$5. The regulations state that the tax shall apply to "any head-dress designed to be worn by men and boys 14 years of age or older, or of size 6 1/2 and larger, which are commonly and commercially known as hats."

On men's and boys' caps the tax is on the amount in excess of \$2 each.

Men's, women's, misses' and boys' hosiery, such as stockings and slippers, whatever material made, costing more than \$10 are taxable.

The tax on men's and boys' neckwear is on the amount in excess of \$2 each. It includes cravats, stocks, neckerchiefs, mufflers, scarfs and any other neckwear designed to be worn by men or boys 14 years of age and over.

On men's or boys' silk stockings or hose the tax is on the amount in excess of \$1 a pair and on women's and misses' silk stockings or hose on the amount in excess of \$2 a pair. The regulations state that the tax attaches to stockings and hose for men, women and misses 14 years of age and older and boys 14 years of age and older, including in the case of female attire all stockings and hose of sizes 8 and larger and in the case of boys all stockings and hose of sizes 7 and larger.

case they are classed as jewelry and are subject under Section 905 to a tax of 5 per cent of the amount for which sold.

Articles made of fur, also hats and boots forming a part of parts of liveries, shooting and hunting garments, riding habits are not subject to the tax under Section 904 but to the 10 per cent tax on the full sales price imposed by Section 900 on articles sold by the manufacturer, producer or importer.

Tax Based on Sales Price.

Responsibility for the collection of the tax under section 904 is imposed upon the dealer. Failure to collect the tax does not relieve the dealer of responsibility for payment thereof. Merchants are required to make monthly returns covering the tax collected during a given month. The returns must be filed with the Collector of Internal Revenue for the district in which the merchant has his principal place of business on or before the last day of the month following the one in which the sales are made.

The tax is measured by the price for which the article is sold. It is on the actual sales price and not on the list price where that differs from the sale price. The tax cannot be included in the price, but must be billed as a separate item.

If articles are purchased which are subject to tax and are subsequently returned to the vendor, the sale being rescinded, no tax is payable. If the tax has been paid it shall be refunded to the purchaser and the vendor may take credit therefor against the tax in the subsequent monthly return.

If articles are purchased by the vendor and later exchanged for another article at a higher price, the purchaser paying the difference, the purchaser is not liable for tax on the sale and the vendor shall give credit or refund to the purchaser the tax paid on each of the taxable articles returned and credited to the vendor in its subsequent monthly return.

The tax became effective May 1.

## COLLECTOR WARNS SODA TAX EVADERS

Must Pay Even if They Drink Outside Door.

Because reports have reached the office of the Collector of Internal Revenue here that some dealers are not collecting the Federal tax on soft drinks, while others are charging excessive penalties for drinks which are not taxable, an official statement concerning the details of the statute was issued yesterday.

The tax collector Edwards explains, one cent for each ten cents or fraction thereof paid at soda fountains and ice cream parlors on soft drinks, ice cream, ice cream sundae or similar articles when sold for consumption on the premises. The purchaser can not escape the tax, for instance, by stepping outside the establishment to drink his soda or eat his ice cream. Ice cream sundae sold within the provisions of the law. When ice cream is sold under conditions which indicate that it would usually be consumed in or in proximity to the premises the fact that the purchaser carries it away does not render it free from the tax.

Ice cream sold in boxes and ice cream sodas or other soft drinks sold in pitchers or buckets for home consumption are exempt.

Ice cream and soft drinks are not taxable when sold in hotels, restaurants, caterers, clubs and club houses, sold separate from meals. If they are the only things ordered in such establishments, the tax applies.

Hebrew Veterans to Hear Elkus.

Abraham I. Elkus will address the Hebrew Veterans of the Wars of the Republic at annual services on Sunday in Temple Emanuel. Dr. Joseph Silverman, Chaplain Benjamin Friedman of the Seventy-seventh Division and Maurice Simmons, past commander of the United Spanish War Veterans, also will speak.

## PALMER SAYS BEER TAX MUST BE PAID

Attorney-General Advises Internal Revenue Bureau to Make Collections.

### PENALTIES NOT AVOIDED

Brewers Can Be Punished if the Courts Fail to Annul Prohibition Law.

WASHINGTON, May 15.—In accordance with an opinion rendered by Attorney-General Palmer holding it to be the "lawful duty" of the Internal Revenue Bureau to collect a tax on malt beverages with an alcohol content in "excess" of that permitted by law, issuance of revenue stamps to cover beer taxes will be continued and no attempt will be made by the revenue bureau to prohibit the manufacture of beer pending a decision by the Federal District Court of New York as to what percentage of alcohol renders beer intoxicating.

Instructions to this effect were issued by Internal Revenue Commissioner Roper coincident with announcement of the Attorney-General's opinion. Revenue officers also were directed by the Commissioner to cooperate closely with the Department of Justice in reporting all violations of the act prohibiting the manufacture of intoxicating beverages after May 1. Presumably, under these instructions it was learned, revenue agents will begin at once to report all instances of the manufacture of malt beverages as evidence on which to base possible prosecutions following a decision in the New York court.

The opinion of the Attorney-General, as announced to-day by Commissioner Roper, follows:

"Liability for this tax does not depend upon whether the manufacture and sale are legal or illegal. The manufacture of beer containing as much as one-half of 1 per cent of alcohol may be unlawful under the food control act and the President's proclamations. But, notwithstanding this prohibition, a brewer in fact manufactures and sells such beer. He is liable for the tax imposed by Section 408 above. The fact that he is subject to prosecution under the food laws does not relieve him of liability for the tax. The result of the two laws is that he is both liable for the tax and subject to prosecution. I am,

therefore, of the opinion not only that the tax may be lawfully collected, but that it is the duty of the proper officer to collect it, where beer has been manufactured and withdrawn for sale in violation of the food control act and the regulations thereunder."

In his instructions to revenue officers, Commissioner Roper said:

"The Attorney-General reaches a similar conclusion with respect to the act of November 21, 1918, which makes it unlawful after May 1, 1919, to use grain or other food products in the manufacture of beer, wine or other intoxicating malt or vinous liquors for beverage purposes. He is maintaining, in litigation which is now pending, that under the act of November 21, 1918, the manufacture of beer or wine is absolutely prohibited, without regard to the amount of alcohol contained, or whether they are in fact intoxicating or non-intoxicating."

"If this contention is upheld by the courts the production of any beer or wine for beverage purposes, without regard to alcoholic content, will be unlawful. If the courts construe the act as prohibiting only the manufacture of beer and wine which are actually intoxicating, the manufacture of such beverages will be lawful, or unlawful according to whether they are in fact intoxicating or non-intoxicating."

"Whatever may be the final construction placed upon the act, the fact that the manufacture of any beverage is thereby prohibited will not relieve the producer thereof of liability to tax, but the product will be subject to the same tax and the producers and vendors will be liable to the same occupational taxes as though the production and sale of such products were not prohibited."

To Sell Surplus War Stores.

WASHINGTON, May 15.—Louis Birkstein, a Chicago manufacturer, has been selected to take charge of the surplus property division of the War Department about June 15. He will supervise disposition of 40 million dollars worth of surplus material. For some months he has been connected with the War Department's Salvage Corps.

ORDER

Ballantine's

GOLDEN GLOW

GINGER ALE

Attractions are Prices Quality—Service.

## Macy's

Herald Square, Broadway.  
Scales to 1000 lbs.

We Sell Dependable Merchandise at Prices Lower Than Any Other Store, but for Cash Only.

Store Opens 9:00 A.M. and Closes 5:30 P.M.



## Solid Comfort

is founded on a swaying foundation when you take the case of a couch hammock.

What more comfortable retreat from a scorching sun than a well upholstered, lay-down-and-rest-in-me sort of a hammock? One sways gently in the breeze, if the air is stirring, or is calmer than the calm when there is no breeze.

What more pleasant place to read a book, or sip lemonade, or day-dream, or doze or loaf or do whatever one does in Summer to escape the torment of being scorched, steamed and sizzled by the sun?

## Khaki

was cool enough for the summer uniform of the boys—it's cool as one could desire for a couch hammock. We have one that is khaki canvas covered, all rope hung with upholstered back rest and broad arm rests. It has a round edge mattress (sounds comfortable, doesn't it?) and is a desirable purchase at \$30.25

A tubular iron stand that goes with it is \$7.49. An awning to fit is \$9.24. Fancy pillows (they are very good looking, conventionally designed 'n' everything) are \$4.24 ea. Bolsters are \$3.74

## Gray

Gray dawn, gray stone and gray hammocks. Lest gray look too drab for the velvet green of your lawn, we have added the artist's touch. The connecting link between neutral gray and green grass is the neat stripe of green at intervals on the gray ground of the hammock.

This green-striped, gray canvas covered couch hammock is all chain hung with upholstered back rest, roll edge mattress and is only \$25.50. The tubular iron stand is \$7.49. The awning is \$9.24. Pillows to match, and they are smart for pillows, are \$3.24 each.

## More Khaki

may be more to your liking where the matter of price is concerned. It is more simply constructed than the others, and is priced accordingly. This rope hung, khaki covered couch hammock is only \$9.77. The angular iron stand is \$5.49. The awning is \$9.24.

Macy's—Ninth Floor.

It also applies at soda fountains, even if a meal is served in addition. Included in the taxable beverages are all beverages usually known as soft drinks which are commonly mixed at soda fountains, such as orangeade, lemonade, pineapple juice, coca cola, root beer, moxie, phosphates, fruit, milk and egg drinks, those containing ice cream and ice cream sandwiches. No tax is to be collected on beef tea, coffee, tea, coca, clam or tomato blaque or bouillon and medicinal preparations. Neither is there a tax on ginger ale, root beer, moxie, mineral waters and similar beverages when they are sold in closed containers, as a manufacturer's tax has already been levied. The tax is on the whole amount of the purchase price. If two 15 cent sodas are ordered at one time, for instance, the tax is three, and not four cents. Dealers are to be guarded against having separate customers pool their purchases to escape the tax. There is a penalty of a year in prison and a fine of \$10,000 for wilfully attempting to evade it. At church festive and picnics are not subject to the tax but those at fairs, race tracks and circuses are so subject.

## GERMAN PROPAGANDA IS SEEN AT WORK

Blamed for Report of Asiatic Influx Into Mexico.

MEXICO CITY, May 14 (delayed).—Reports to newspapers here reflect considerable concern over the increasing number of Chinese and Japanese arriving in the Pacific coast States of Mexico. It is declared that 5,000 Asiatics arrived during March and that, unless restrictive measures are taken, the number of immigrants for the current year will total 100,000.

Most of the Asiatics entering the country are taking up agricultural pursuits in the States of Sonora and Sinaloa.

WASHINGTON, May 15.—German propaganda is believed by officials of the Japanese Embassy here to be responsible for reports reaching Mexico city of heavy immigration of Chinese and Japanese into Mexico. It was said at the Embassy to-day that no such number as 5,000 Asiatics had been sent into Mexico during March and that, unless restrictive measures are taken, the number of immigrants for the current year will total 100,000.

The Chinese Legation also was without information of any such immigration of Chinese.

Hebrew Veterans to Hear Elkus.

Abraham I. Elkus will address the Hebrew Veterans of the Wars of the Republic at annual services on Sunday in Temple Emanuel. Dr. Joseph Silverman, Chaplain Benjamin Friedman of the Seventy-seventh Division and Maurice Simmons, past commander of the United Spanish War Veterans, also will speak.

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